IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.4532 OF 2006

Shri Rahul Shamrao Kambale ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri Vijay Killedar, adv. for the Applicant.
Mrs.M.H.Mhate, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 6th February, 2007.

P.C.:

1. Heard Mr.Killedar, the learned counsel for the applicant and Mrs.Mhatre, the learned APP for the State.

2. The present applicant/accused seeks to be released on bail in Crime No.73 of 2006 registered by Kurundwad Police Station, District Kolhapur, for the offences punishable under Sections 302 and 201 of the I.P.C.

3. Prosecution case in brief is that the deceased Ramchandra was uncle of the present applicant. His wife and the present applicant had love affair and Ramchandra had come to know. He had also warned the present applicant against the illicit relations with his wife. Because of this, the applicant decided to finish his uncle and remove him from his way. On 20th July, 2006

at about 10.00 p.m. or so , he killed his uncle Ramchandra with an axe and threw his dead body in a well. Later on, dead body was found and the offence was registered on 23-7-2006. On 26-7-2006, the present applicant came to be arrested. On the basis of information given by the accused/applicant, an axe, which was used as a weapon in the offence, was recovered. As per the autopsy report, injuries found on the body of the deceased could be caused by the said weapon. During the police custody, the present applicant also revealed that before throwing the dead body in the well, he had removed mobile handset of the deceased. That mobile handset, pant and shirt of the accused were also recovered on the basis of information given by him. The clothes were found to be stained with blood of the deceased. It is true that there is no direct evidence to prove guilt of the accused but taking into consideration the circumstances noted above, prima-facie there is sufficient circumstantial evidence against the accused. The learned Sessions Court considered all these aspect while rejecting the bail application of the present applicant. Investigation is already completed and charge-sheet is filed. Accused is in custody for the last about six months. It can be expected that the trial will be expedited and decided at the earliest. Possibility of tampering prosecution

evidence or absconding can not be ruled out if bail is granted.

4. Taking into consideration the circumstances noted above, I find that it will not be in the interest of justice to grant bail to the present applicant/accused.

5. Hence, the application stands rejected.

(J.H.Bhatia,J.)